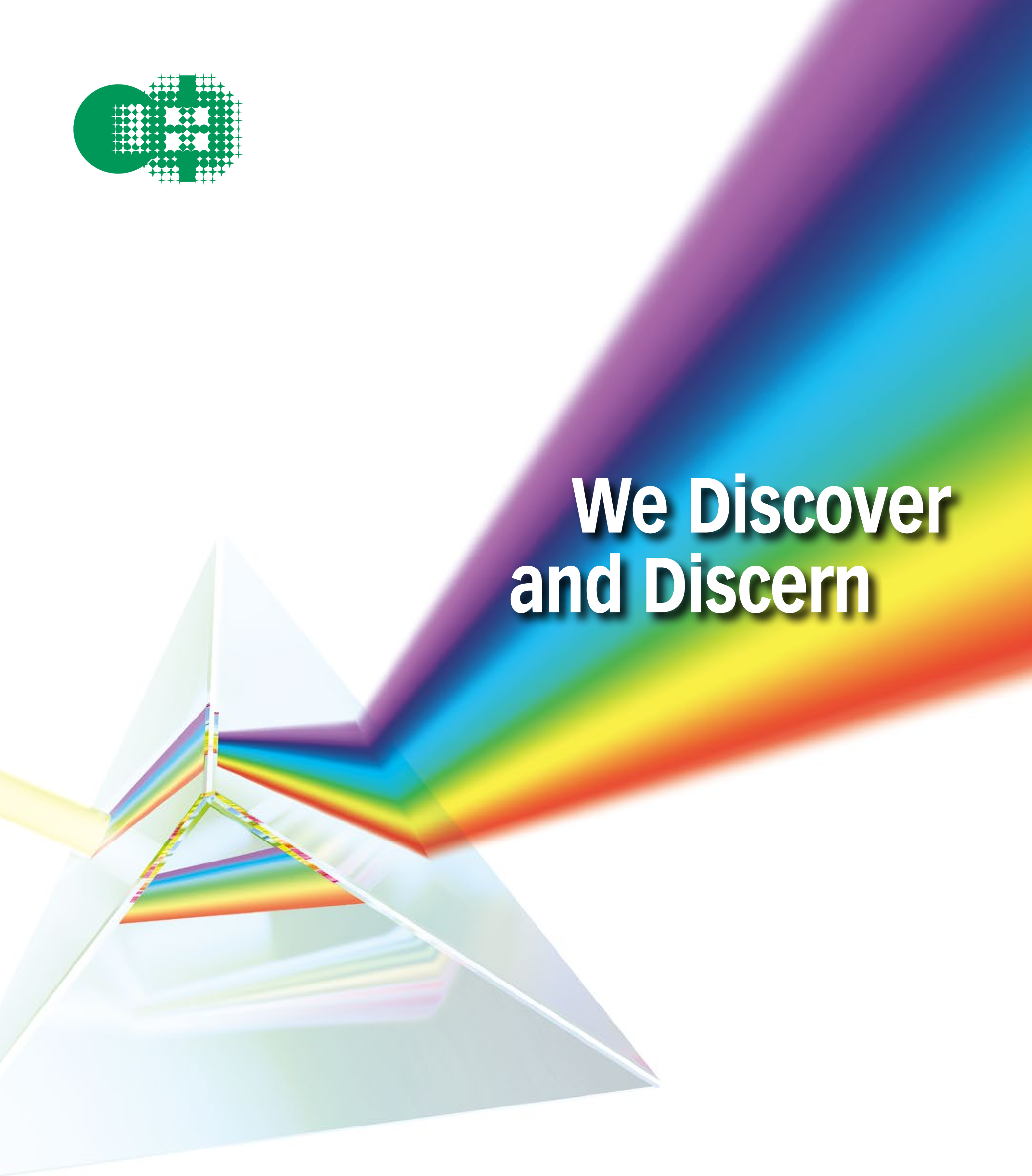
We Discover and Discern



Summary of Annual Report 2016

The Ombudsman, Hong Kong

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Performance and Results

Enquiries and Complaints Processing

In 2015/16, we received 5,244 complaints, including 213 secondary cases in topical complaints. The corresponding figures last year were 5,339 and 428 respectively. The number of enquiries received this year was 12,159.

Table 1

Enquiries and Complaints Received

Year	Enquiries	Complaints	
		Total	Excluding secondary cases
2011/12	12,545	5,029	4,849
2012/13	12,255	5,501	5,263
2013/14	12,767	5,624	5,226
2014/15	12,940	5,339	4,911
2015/16	12,159	5,244	5,031

Topical Complaints

The largest group of topical complaints concerned some alteration works in a private building which allegedly contravened the Buildings Ordinance and Fire Services Regulations, with 92 secondary cases. The next largest group (46 secondary cases) related to the Territory-wide System Assessment. Two further significant groups of complaints (with 25 and 15 secondary cases separately) concerned lack of reply by the Post Office about tracking of lost mail and improper handling by the Securities and Futures Commission of an incident of stock suspension.

Complaints Handled

We completed processing 5,242 (85.8%) of all cases received during the year and those brought forward from last year. Of those completed we pursued 3,100 (59.1%) by way of inquiry, full investigation or mediation. The rest (2,142, 40.9%) were closed after assessment for jurisdictional or legal restriction reasons.

Of those pursued and completed, 88.4% were concluded by inquiry (85.0% last year), 7.3% by full investigation (10.4% last year) and 4.3% by mediation (4.6% last year). The significant increase last year in the number of complaints handled by mediation was maintained this year. Among those assessed and closed, over half were due to the fact that there was insufficient ground to pursue the complaint.

Outcome of Investigations and Inquiries

We concluded 226 complaints by full investigation this year, including 30 secondary cases of two groups of topical complaints. Among the 2,740 inquiry cases concluded, inadequacies or deficiencies were found in 475 (17.3%).

Table 2

Substantiation Rates of Complaints Concluded by Full Investigation

Classification	No. of complaints	Percentage
Substantiated	29	12.8%
Partially substantiated	30	13.3%
Unsubstantiated but other inadequacies found	22	9.7%
Unsubstantiated	142	62.8%
Inconclusive	3	1.4%
Withdrawn/discontinued	0	0%
Total	**226**	**100.0%**

Direct Investigation

During the year we completed eight direct investigations. The issues examined included display of building numbers, fire safety measures for New Territories Exempted Houses, leaks of private water

pipes, management of Permitted Burial Grounds, waiting time for public rental housing, implementation of strengthened control of exhaust emissions, booking and use of community halls/centres, and implementation of the Fire Safety (Buildings) Ordinance. Thirteen direct investigations were in progress at the end of the year.

This year we changed our approach to direct investigations to enhance transparency and public understanding of our work. Instead of ending most of our preliminary inquiries as “direct investigation assessments”, we will develop the more substantial inquiries into direct investigations and, upon completion, publish the investigation reports.

Recommendations

We made 227 recommendations on completion of 226 full investigations and 50 recommendations in eight direct investigations. Of the total 277 recommendations, 236 (85.2%) have been accepted by the organisations for implementation and 41 (14.8%) were under consideration as at 31 March 2016.

Our Pledge Performance

As in previous years we arranged all talks and answered all enquiries by telephone and in person within our pledged time frames. For enquiries in writing, we answered 98.3% of them in five working days and 1.3% in six to ten working days. On acknowledging receipt of complaints, we issued acknowledgement within five working days in 99.4% of all complaints received.

On complaint processing, we concluded 98.3% of the cases falling outside jurisdiction or under restriction within ten working days, as compared with the service pledge of not less than 70%. No case exceeded the target timeframe of 15 working days. For other cases we concluded 84.7% within three months. There were only 0.5% of the cases not concluded within our pledge timeframe of six months, for reasons such as case complexity, new developments of the case in the mid-stream of the process and delay of organisations under complaint in tendering their replies to us.

Table 3

Processing Time for Cases Outside Jurisdiction or Under Restriction

Year	Response Time		
	Within 10 working days (target: >70%)	Within 11-15 working days (target: <30%)	More than 15 working days
2011/12	89.2%	9.3%	1.5%
2012/13	89.5%	8.7%	1.8%
2013/14	88.9%	9.7%	1.4%
2014/15	90.9%	8.6%	0.5%
2015/16	98.3%	1.7%	0.0%

Table 4

Processing Time for Other Cases Concluded

Year	Response Time		
	Less than 3 months (target: >60%)	Within 3-6 months (target: <40%)	More than 6 months
2011/12	79.3%	19.8%	0.9%
2012/13	86.3%	12.8%	0.9%
2013/14	81.7%	17.2%	1.1%
2014/15	86.3%	13.1%	0.6%
2015/16	84.7%	14.8%	0.5%

Reward and Challenge

Enhancing Quality Administration

An important way for our Office to assist public organisations to improve their administration is by making recommendations. We monitor their implementation of our more significant recommendations until action is completed. The measures introduced by organisations include guidelines for clarity, consistency or efficiency in operation; better arrangements for inter-departmental coordination; measures for better public enquiry/complaint handling; measures for better client services; measures for more effective regulation or control; clearer and more reasonable rules and charges; clearer and more timely information to the public; and training for staff.

Mediating Disputes

With continued effort, we maintained the high level of successfully mediated complaints achieved last year. Among the 3,100 cases pursued and concluded during the year, 134 (4.3%) were concluded by mediation, compared to 138 cases (4.6%) last year. A total of 21 Government departments and public organisations voluntarily participated in resolving complaints by mediation.

Table 5

Successfully Mediated Cases by Nature of Complaint

Nature of Complaint	No. of Cases
Delay/inaction	47
Error, wrong advice/decision	37
Lack of Response to Complaint	22
Ineffective Control	19
Poor staff attitude (rudeness, unhelpfulness)	7
Others	15
Total	**147**

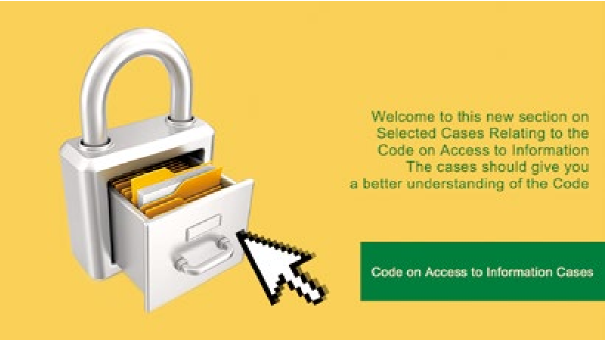
* One complaint case may have more than one nature of complaint

The modes of mediation adopted included face-to-face meetings and telephone mediation. The average processing time was about 19 days, with over 80% of the cases completed within one month. Questionnaires received from parties to mediation reflected that 89.6% of the complainants and all of the organisations considered the process to have achieved what they wanted. Almost all showed appreciation of the speed with which the dispute was resolved and the performance of our staff as mediator.

Apology in Complaint Resolution

We encourage public organisations to adopt a more open mind towards making of apologies and are pleased to note that Government has taken concrete steps in drafting apology legislation. Among the complaint cases concluded during the year, 245 had apologies tendered by the organisation under complaint, of which over 90% were tendered after our intervention.

Transparent Government and Access to Information



During the year, we received 58 Code complaints against Government departments or agencies, compared to 46 last year. We concluded a total of 53 cases, including nine cases carried forward from last year. Failings were found in 27 (51%) of those concluded cases. Eleven cases involved unjustifiable refusal, wholly or partly, or imposing unnecessary conditions for provision of the information requested.

The most frequently misused reasons for refusal to provide information remained to be confidentiality of third party information and privacy of individuals. A significant number of cases (11) involved delay in responding to the requests. We also received six complaints against four organisations not covered by the Code for wrongdoings relating to handling information requests. We concluded five cases during the year, with failings found in four of them.

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Challenges from Parties

Re-assessment and Review of Cases

During the year we received 262 requests for re-assessment, with 122 subsequently re-opened for inquiry. The number of cases for review was 69 in which we declined 34 requests and conducted 35 reviews. This Office varied the decision in two cases after review and upheld the original for the remaining 33.

Challenging Complainant Behaviours

In the year we had complainants kept writing to us to request a review of their cases, sending in voluminous materials in support of their complaints, pursuing very minute details, engaging our case officers in lengthy telephone conversations and making complaints against almost all staff who had handled their cases. Such cases were few but took up much of our time and effort, to which we always respond with professionalism.

Office Administration

Staffing

During the year, we appointed six investigation staff (one at Investigation Officer level and five at Assistant level) through internal promotion and open recruitment. We continued our effort to fortify a solid base of home grown investigation officers by recruiting graduates at the entry rank of Assistant Investigation Officer, offering them a clear career path and early nurturing. Where necessary, we supplemented our regular workforce with temporary investigation officers.

Training

We continued to attach importance to staff training so as to equip my staff with the skills required for efficient and effective discharge of their duties. Apart from organising our own training workshops, officers were supported to attend training programmes available in the market.

Publicity and External Relations

We carried out a diverse range of promotional activities and explored new channels to promote fairness and efficiency in public administration. The campaign of "Say NO to Maladministration" with the metaphor of Tai-Chi was carried on and advertised on local television, radio, public transport as well as at bus station shelters and in train carriages.

Under the report period, we organised four press conferences, hosted a media gathering and attended various media interviews to leverage on the extensive reach of the media for publicity and public education.

We have launched on our website a new section of "Selected cases relating to Code on Access to Information". The new section aims to enhance the public's understanding of their right to information kept by Government departments and some public organisations; as well as to serve as reference for departments and organisations in handling future requests. In order to save time of public to access and check our website for new content, Really Simple Syndication ("RSS") service, another new initiative, was also launched on our website. We continued to engage stakeholders through talks, seminars, press conferences and media interviews.

We also established close relationship with many ombudsman institutions worldwide by taking part in the International Ombudsman Institute Board Meeting held in Namibia in September 2015, the Asian Ombudsman Association Board Meetings in Pakistan and in Japan in November 2015 and March 2016 respectively. During the year, we received 34 visiting groups from overseas and the mainland with interactive sharings on the practices of public administration and supervision.

Looking Ahead

We spare no effort to engage our stakeholders and promote the work of this Office through traditional and creative means. We are collaborating with Radio Television Hong Kong to produce a television programme with 5 episodes, to be broadcast in April and May 2016.

Table 6

Caseload

	Reporting year[1]				
	11/12	**12/13**	**13/14**	**14/15**	**15/16**
Enquiries	**12,545**	**12,255**	**12,767**	**12,940**	**12,159**
Complaints					
(a) For processing	**6,085**	**6,349**	**6,572**	**6,241**	**6,112**
– Received	5,029[180]	5,501[238]	5,624[398]	5,339[428]	5,244[213]
– Brought forward	1,056	848	948	902	868
(b) Completed	**5,237[210]**	**5,401[235]**	**5,670[367]**	**5,373[472]**	**5,242[224]**
Pursued and concluded					
– By inquiry[2]	2,731[7]	2,383[196]	2,605[36]	2,573[78]	2,740[175]
– By full investigation[3]	163[61]	169	321[12]	314[125]	226[30]
– By mediation[4]	22[16]	22	38	138	134
Assessed and closed					
– Insufficient grounds to pursue[5]	1,156[84]	1,908[32]	1,432[192]	1,091[1]	1,187[4]
– Legally bound[6]	1,165[42]	919[7]	1,274[127]	1,257[268]	955[15]
(c) Percentage completed = (b)/(a)	**86.1%**	**85.1%**	**86.3%**	**86.1%**	**85.8%**
(d) Carried forward = (a) – (b)	**848**	**948**	**902**	**868**	**870**
Direct investigations completed	**5**	**6**	**6**	**7**	**8**

Note 1. From 1 April to 31 March of the next year.
Note 2. Pursued under section 11A of The Ombudsman Ordinance, for general cases.
Note 3. Pursued under section 12 of The Ombudsman Ordinance, for complex cases possibly involving serious maladministration, systemic flaws, etc.
Note 4. Pursued under section 11B of The Ombudsman Ordinance, for cases involving no, or only minor, maladministration.
Note 5. Not pursued but closed for reasons such as lack of *prima facie* evidence, organisation concerned is taking action, mere expression of opinion.
Note 6. Outside the Office's jurisdiction or restricted by The Ombudsman Ordinance.
[ ] Number of topical cases.